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April 23, 2013

ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Ex Parte, RM-11429, RM-11640

Dear Ms. Dortch:

This is to inform you that on April 19, 2013, Mike Oldak, Vice President & General Counsel, Utilities Telecom Council ("UTC"), Amy Mehlman of Mehlman Capitol Strategies, and the undersigned met with Renee Gregory and Michael Steffen, Legal Advisors to Chairman Genachowski, Kate Dumouchel, Special Counsel, Office of the General Counsel, Tom Derenge of the Wireless Telecommunications Bureau, Byung Yi of the International Bureau, and Mark Settle of the Office of Engineering and Technology.

The purpose of the meeting was to discuss the Petition for Rulemaking filed by UTC and Winchester Cator in RM-11429, particularly in light of the recent announcement that the Commission plans to consider a Notice of Proposed Rulemaking an Air-Ground Mobile Broadband service in the 14.0-14.5 GHz band at the Commission's May 9, 2013 open meeting. Given that UTC/Winchester Cator petition also pertains to the 14.0-14.5 GHz band, we urged the Commission to include the UTC/Winchester Cator petition's proposed use of this spectrum band for smart grid and other critical infrastructure industry

("CII") uses and for wireless backhaul among the proposed uses of the 14.0-14.5 GHz band discussed in the upcoming NPRM.

Given the two different proposed uses of the 14.0-14.5 GHz band discussed in the two petitions filed in the above-captioned dockets, we noted that it would be inefficient to consider the petitions separately. Instead, the Commission should ask questions in the upcoming NPRM about the compatibility of both proposed uses of the 14.0-14.5 GHz band with existing users of the spectrum. We also discussed possible interference criteria that would allow the wireless services proposed in the UTC and Winchester Cator petition while protecting existing services, and noted that UTC and Winchester Cator were willing to meet an interference threshold of less than 6 percent, including any other appropriate interference threshold that the Commission ultimately decides to establish.

We also re-emphasized the need for additional spectrum in the 14.0-14.5 GHz band for smart grid applications and for more robust communications by Critical Infrastructure Industry entities in times of disasters and other emergencies. In addition, we discussed the importance of making available spectrum in the 14 GHz band for backhaul services, a critical element in continued deployment of broadband services to all Americans.

Please direct any questions regarding this matter to the undersigned.

Respectfully,

A handwritten signature in black ink that reads "Henry Goldberg". The signature is fluid and cursive, with the first name "Henry" and last name "Goldberg" clearly distinguishable.

Henry Goldberg
Counsel to Winchester Cator, LLC

cc: Renee Gregory
Michael Steffen
Kate Dumouchel
Tom Derenge
Byung Yi
Mark Settle